ONDER RECEIVED FOR FILING

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – SW/S of

the intersection of Rossville Boulevard

and Kelso Drive

(6060 Rossville Boulevard)

15th Election District

7th Councilmanic District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 99-404-SPHX

Rossville Station Assoc. L.P., Owners; Purnima Amin, Lessee - Petitioners

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Rossville Station Associates Limited Partnership, by Michael F. Klein, Managing Member of Metropolitan Management, L.L.C., and by Purnima Amin, Contract Lessee, through his attorney, Arnold M. Zerwitz, Esquire. The Petitioners request a special exception for an arcade that is limited to two amusement devices, or, in the alternative, a special hearing to allow two amusement devices (as an accessory use) for a liquor store in an M.L.-I.M. zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing held in this matter were John Zorzit, a representative of that company which owns/sells/leases the amusement devices that are the subject of these requests, and Arnold M. Zerwitz, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

An examination of the site plan reveals that the subject property, zoned M.L.-I.M., is improved with a small strip shopping center located adjacent to the intersection of Rossville Boulevard and Kelso Drive. In addition to the shopping center building, a large macadam-paved parking area is provided. There are eight tenants in the shopping center, which includes a mix of commercial/retail uses, including the subject liquor store. The liquor store space is leased by Mr.

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Amin and bears the address of 6060 Rossville Boulevard. The Petitioners are desirous of installing two video poker amusement games in the liquor store. These machines are owned by Mr. Zorzit's company and will be accessory to the primary purpose of the business, namely the sale of liquor and spirits.

An examination of Section 101 of the B.C.Z.R. indicates that an arcade is defined as "a building, or part of a building, in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained." Arcades are not among the uses permitted by right or special exception in the M.L. zone, pursuant to Sections 253.1 and 253.2 of the B.C.Z.R. Nonetheless, the two machines proposed maybe permitted here as an accessory use.

An accessory use is defined in Section 101 of the B.C.Z.R. as a use which is "...a) customarily and subordinate to the principal use; b) subordinate in area, extent, or purpose to the principal use; c) is located on the same lot as the principal use; and, d) contributes to the comfort convenience and necessity of the occupants, business or industry in the principal use."

Based upon the testimony and evidence presented, I am persuaded that the installation of two video machines at the subject location would be an appropriate accessory use. There is no evidence that this use would be detrimental to the health, safety or general welfare of the locale and should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth herein, the relief requested in the Petition for Special Hearing shall be granted and the Petition for Special Exception shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Andrew day of July, 1999 that the Petition for Special Exception to permit an arcade that is limited to two amusement devices to be located on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow two amusement devices as an accessory use to a liquor store in an M.L.-I.M. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to two (2) video machines only on the subject property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this

LAWRENCE É. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

ONDER RECEIVED FILING



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

July 2, 1999

Arnold M. Zerwitz, Esquire 600 Washington Avenue, Suite 310 Towson, Md. 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION SW/S of the intersection of Rossville Boulevard and Kelso Drive (6060 Rossville Boulevard)

15th Election District – 7th Councilmanic District
Rossville Station Assoc., L.P., Owners; Purnima Amin, Lessee - Petitioners Case No. 99-404-SPHX

Dear Mr. Zorzit:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Special Exception dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Mr. Michael F. Klein, Metropolitan Management, Inc.
 115 Sudbrook Lane, Suite 200, Pikesville, Md. 21208
 Mr. Purnima Amin, 6060 Rossville Boulevard, Baltimore, Md. 21221
 Mr. John Zorzit, 2700 Annapolis Road, Baltimore, Md. 21230
 People's Counsel; Case/File



herein described property for

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

6060 Rossville Blvd.,

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Legal Owner(s): Limited Partnership

Rossville Station Associates

ecial Hearing and

for the property located at Essex, MD 21221

is the subject of this Petition.

which is presently zoned This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

an arcade that is limited to two amusement devices, or, in the alternative, a special hearing to

allow two amusement devices for a liquor store in an ML-IM zone.

Property is to be posted and advertised as prescribed by the zoning regulations. i, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:

			BY: Metropolitan Management, LLC		
	Purnima Amin Name - Type or Print		Name Time or Original Control		
		۸	Name - Type or Print		
	Signature Duning +	Int.			
	_ ,	(410)220 2500	Signature		
	6060 Rossville Blvd. Address		Michael F. Klein, Managing Member		
		Telephone No.	Name - Type or Print		
	Essex M City Si				
	City	tate Zip Code	Signature Control Cont		
	Attorney For Petitioner:		115 Sudbrook Lane, Suite 200 (410) 486-9050		
	Applicant advised	9 that on	Address Telephone No. Pikesville, Maryland 21208		
	Name - Type or Print		City State Zip Code		
	attorney must be	present at	Representative to be Contacted:		
	Signature /				
	time of schedul	el hearing.	John Zorzit		
FOR FILING	Company	0	Name 410 - 331 - 5852 night		
			2700 Annapolis Rd., (410)783-4100 da. Address Telephone No.		
\exists	Address	Telephone No.	Address Telephone No.		
13_			Baltimore MD 21230		
E C	City St	ate Zip Code	City State Zip Code		
J.			OFFICE USE ONLY		
ER RECEIVE	20 No. 99-404.50/	ļ χ	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING Reviewed ByBRDate4/13/99		
ORDER	Date_	•			



ZONING DESCRIPTION FOR 6060 ROSSVILLE BOULEVARD

BEGINNING AT A POINT distant North 44 degrees 18 minutes 00 seconds West 252 feet and South 45 degrees 42 minutes 00 seconds West 70 feet from the end of the gusset line connecting the Northwesterly right of way line of Kelso Drive, 50 feet wide, with the Southwesterly right of way line of Rossville Boulevard, 70 feet wide; thence running 1) South 44 degrees 18 minutes 00 seconds East 33.00 feet 2) South 45 degrees 42 minutes 00 seconds West 65.00 feet 3) North 44 degrees 18 minutes 00 seconds West 33.00 feet and 4) North 45 degrees 42 minutes 00 seconds East 65.00 to the point of beginning; containing 2,145 square feet or 0.0492 acres more or less.

Also known as 6060Rossville Boulevard located in the 15th Election District, 7th Councilmanic District, and recorded as part of Lot 2, on Plat of Section 3, Pulaski Industrial Park in Plat Book SM 59, Folio 97.

04/09/99

7427 Harford Road Baltimore. Maryland 21234-7160 (410) 444-4312 Fax: (410) 444-1647

#404 99.404.5PHX

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BALTIMORE COUNTY, MARYL DOFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 4/13 9.1 ACCOUNT	RECEIVED (3) (1) (1) (1) (1)	FOR: 500'11'1	DISTRIBUTION WHITE-CASHIER PINK - AGENCY YELLOW - CUSTOME

NOTICE DE YOUNN

The Zonrig Corrinissioner of Baltimore County, by authority of the Zonrig Act and Fegurations of Baltimore County will hold a public hearing in Tourson, Maryland on the property dentified herein as follows.

Gosei #99-404-SPHX
6000 Rosswille Boulevard,
806 Rosswille Boulevard,
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15th Eleituto District
7th Goundinghanino District
1901 Owner(s). Rosswille Sta1001 Associates Limited Part1001 Associates Limited Part1001 Associates Limited Part1001 Associates Limited Teat1001 Associates Limited Teat1011 Associates

LAWRENGE E SCHWIDT
Zoning Commissions for
Baltimose County
NOTES. (1) Hearings are
Handicapped Accessible; for
Special according determines for the
Commissioners. Office at
(410) 887-4388 (1)
(2) For information concern(19) 416 File and/or Hearing.
Contlact the Zoning Review Office at (410) 887-3889.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/13/

THE JEFFERSONIAN,

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LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99 - 404 - 5PH X
Petitioner: GP Liquors Address or Location: 6060 Rossville Blud. Essex, MU 2122
PLEASE FORWARD ADVERTISING BILL TO:
Name: Nick's Amusements
Address: John Zorzit
2700 Annapolis Rd. Baltimore, MD 21230
Telephone Number: 418 - 783-4188

Request for Zoning: Variance, Special Exception, or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-404-5PHX

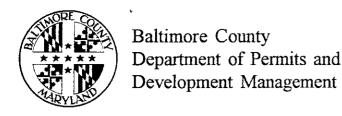
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:						
DATE AND	TIME:					<u> </u>
REQUEST:_	Special Exc	eption	to use the	property	y as an	arcade with
two om	esement do	vices, o	r, in the	a Hernat	ive a	special_
						liquor store
	ML-IM					

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 28, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-404-SPHX 6060 Rossville Boulevard

S/S Rossville Boulevard, 260' W of Kelso Drive 15th Election District – 7th Councilmanic District

Legal Owner: Rossville Station Associates Limited Partnership

Contract Purchaser: Purnima Amin

<u>Special Exception</u> for an arcade that is limited to 2 amusement devices. <u>Special Hearing</u>, in the alternative, to allow 2 amusement devices for a liquor store.

HEARING: Tuesday, June 1, 1999 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Rossville Station Associates Limited Partnership Purnima Amin John Zorzit

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 17, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY May 13, 1999 Issue – Jeffersonian

Please forward billing to:

Nick's Amusements c/o John Zorzit 2700 Annapolis Road Baltimore, MD 21230 410-783-4100

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-404-SPHX

6060 Rossville Boulevard

S/S Rossville Boulevard, 260' W of Kelso Drive 15th Election District – 7th Councilmanic District

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Contract Purchaser: Purnima Amin

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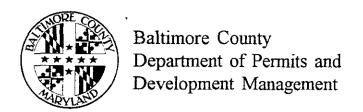
401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 1, 1999

Mr. John Zorzit 2700 Annapolis Road Baltimore, MD 21230

RE: Case No.: 99-404-SPHX

Petitioner: Rossville Station and

Purnima Amin

Location: 6060 Rossville Blvd.

Dear Mr. Zorzit:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 13, 1999.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



for

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: May 12, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 404, 413, and 417

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Jeffrey W Long

Section Chief

AFK/JL



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: May 3, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for May 3, 1999

Item Nos. 403, 404, and 408

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 4.23.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 404 BR

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Gred In

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
6060 Rossville Boulevard, S/S Rossville Blvd, 260' W of Kelso Dr. 15th Election District,	*	ZONING COMMISSIONER
7th Councilmanic	. *	FOR
Legal Owners: Rossville Station Associates L.P. Contract Purchaser: Purnima Amin	*	BALTIMORE COUNTY
Petitioner(s)	法	Case Number: 99-404-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Reter Marx Zimmernen Chrole S. Demilio

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 200 day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to John Zorzit, 2700 Annapolis Road, Baltimore, MD 21230, representative for Petitioner(s).

PETER MAX ZIMMERMAN

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Arnos M ZEDwitz 559. Arry Cor	600 WASHINGTON BUL
ATTY COR	TOUSON AND 21204
Patitionus-	
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